



APR 7 2000

TECH CENTER 1600/2900

Patent

Attorney's Docket No. 032751-016

1632

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
 )  
Jean-Luc IMLER et al. ) Group Art Unit: 1632  
 )  
Application No.: 09/218,143 ) Examiner: S. Priebe  
 )  
Filed: December 22, 1998 )  
 )  
For: DEFECTIVE ADENOVIRUSES AND )  
CORRESPONDING )  
COMPLEMENTATION LINES )  
 )

**REPLY TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed is a Reply to Restriction Requirement for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ A Terminal Disclaimer and a check for ☐ \$55.00 (248) ☐ \$110.00 (148) to cover the requisite Government fee are also enclosed.

☐ Also enclosed are\_\_\_\_\_.

☐ \_\_\_\_\_ statement(s) claiming small entity status  
☐ are also enclosed ☐ were submitted previously.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.

☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims	5	MINUS 60 =	-0-	× \$18.00 (103) =	-0-
Independent Claims	2	MINUS 4 =	-0-	× \$78.00 (102) =	-0-
If Amendment adds multiple dependent claims, add \$260.00 (104)					-0-
Total Amendment Fee					-0-
If small entity status is claimed, subtract 50% of Total Amendment Fee					-0-
<b>TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT</b>					-0-

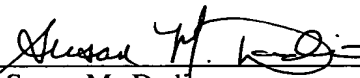
☐ A claim fee in the amount of \$\_\_\_\_\_ is enclosed.

☐ Charge \$\_\_\_\_\_ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No.02-4800. This paper is submitted in duplicate.

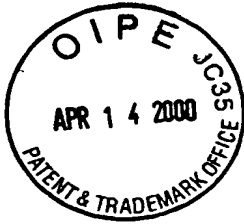
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
Susan M. Dadio  
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Date: April 14, 2000



#9/Election  
4/19/00  
Jc

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**REPLY TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In complete response to the Restriction Requirement set forth in the Official Communication mailed on March 16, 2000, applicants hereby elect Group I, claims 56-59, with traverse.

According to M.P.E.P. § 803, a restriction between independent or distinct inventions is proper only where there is a serious burden on the Examiner to examine all the claims in a single application. This is true even when appropriate reasons exist for a restriction requirement.

In the present application, it is believed that Group I (claims 56-59) and Group II (claim 60) all relate to different aspects of the same invention. The claimed invention as set forth in claims 56-60 relates to recombinant adenoviruses with a foreign gene. In light of the close relationship between the subject matter of claims 56-59 and claim 60, it is believed that a search directed to claims 56-59, would almost necessarily include a search directed to the subject matter of claim 60. In fact, the search would be overlapping, if not

coextensive. Thus, there would be no serious burden on the Patent and Trademark Office to examine all the claims at this time.

In light of the above, withdrawal of the requirement for restriction is respectfully requested and believed to be in order.

Further and favorable consideration of all the claims of record on the merits is respectfully requested.

In the event that there are any questions relating to this Rely to Restriction Requirement, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: \_\_\_\_\_

Susan M. Dadlo

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